

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDACASE NO. 00-6312-CR-ROETTGER

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JERMAINE WILLIAMS and)
 LOWEN ESPINUEVA,)
)
 Defendants.)
 _____)

1001 500
 FILED
 MAY 29 2001
 LAWRENCE MADDOX
 CLERK, USDC / SDFL / FTL

GOVERNMENT'S UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL DATE

Comes now the United States of America by and through the undersigned Assistant United States Attorney and files this government's unopposed motion for continuance of trial date in support thereof states as follows:

1. On October 20, 2000, at approximately 6:40 am, two Brinks armored car drivers arrived at the Citibank Automatic teller machine (ATM) located at 2789 University Drive in Coral Springs, FL. As the guards were entering the ATM to supply the machine with money belonging to Citibank, Inc. they were ambushed by two males. The men drove up in a red Honda and armed with a 12 gauge shotgun and a 9mm semiautomatic pistol shot without warning from the car. The guards were hit in the back and neck area by shot gun pellets. One of the guards, although seriously injured, was able to return fire emptying his service revolver into the red Honda. After being shot at by the guard, the robbers sped away without obtaining any money from the guards. Citizens notified the police of the shootings and the condition of the guards

54
 DM

laying on the pavement. One of the guards saw the robbers flee the scene of the assault in a red automobile. No money was taken.

2. At approximately 7:00am, a Coral Springs Police Officer located a Red 1983 Honda Civic, the vehicle believed to be used during the commission of the robbery, two blocks from the shooting scene. The car was running with the doors ajar. The vehicle had numerous blood stains and blood splatters throughout the vehicle. Located on the dashboard was what appeared to be a "dred" lock piece of human hair braid with blood and skin laying on the dashboard near the vin number. Also recovered from the vehicle were a Mossberg 12 gauge shot gun with 2 live shells and three spent shells and a 9mm semiautomatic pistol loaded with eight rounds with one round in the chamber. A spent 9mm shell was found on the ground at the scene of the shooting. Investigation determined that the car had been stolen in Coral Springs, FL. On October 12, 2000. Latex gloves were recovered on the ground next to the vehicle. There are entry marks near the rear passenger door consistent with bullet entry and there were blood splatters in the vehicle. Additional blood splatters were located on the front windshield and both seats. Drops of blood were also located on the steering wheel cover, the driver's door handle and the carpet on the driver and passenger sides. Latex gloves were recovered in and around the vehicle.

3. At approximately 7:55 am Westside Hospital in Plantation, FL. Contacted the police and advised that they had a male patient for treatment of a gunshot wound to the head. Witnesses advised that the man had been dropped off at the hospital by a white female driving a black Honda. The police arrived at the hospital and interviewed the patient, JERMAINE WILLIAMS, who advised that he had been driving on the Saw Grass expressway when he pulled over to the side of the road to urinate. WILLIAMS further advised that he felt a hot burning sensation on his

head area and realized that he must have been shot. Williams advised that he drove to the hospital for treatment. The bloody dread lock found on the dashboard in the red Honda matched the color, texture, length and style of the dread locks worn by WILLIAMS. WILLIAMS and LOWEN ESPINUEVA were arrested and subsequently indicted by a federal grand jury for Hobbs Act robbery and use of a firearm during the commission of a violent felony.

4. On May 14, 2001, the FBI lab issued the report on mitochondrial DNA comparison showing the DNA comparison of the dread lock hair piece found in the getaway vehicle with the known hair of defendant WILLIAMS. Also provided was the *curriculum vitae* of Alice R. Isenberg, the lab technician who conducted the comparisons. On May 21, 2001, the FBI lab issued the report on the nuclear DNA comparison of the blood samples recovered from the getaway vehicle with the known blood sample of defendant WILLIAMS. The nuclear DNA comparison report states that the blood sample recovered from the getaway car is that of defendant WILLIAMS to a reasonable degree of scientific certainty.

5. I have been advised by Counsel for the Defendant WILLIAMS that they will be filing a detailed request for DNA protocols and procedures used by the FBI labs. The undersigned is in the process of obtaining the portions of defendant WILLIAMS' request that are discoverable under Rule 16 of the Fed R Crim Pro.

6. The undersigned needs additional time to provide the Defense with all of the discoverable DNA information and to prepare the government DNA witness for trial.

7. On May 29, 2001, pursuant to local rule 88.9, the undersigned contacted Darryl Wilcox, Assistant Federal Public Defender representing Defendant WILLIAMS and Barry Wax, attorney for Defendant ESPINUEVA to determine their positions on the proposed motion. When

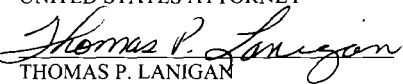
advised of the government's motion, AFPD Wilcox and Mr. Wax, advised that they did not oppose the government's motion for a continuance and would be filing their own motions' for continuance.

Wherefore, based on the above, the undersigned respectfully requests that this Honorable court grant the government's unopposed motion for continuance of trial date.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By:


THOMAS P. LANIGAN
ASSISTANT UNITED STATES ATTORNEY
Court No. A5500033
500 E. Broward Blvd., Suite 700
Ft. Lauderdale, FL. 33394
Telephone (954) 356-7255
Fax (954) 356-7336

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 29th day of May, 2001 to: AFD Darryl Wilcox, 111 NE 3rd Ave., Suite 202 Ft. Lauderdale, FL. 33301 and Barry Wax, Esq. 201 South Biscayne Blvd., Suite 1950 Miami, FL. 33131


THOMAS P. LANIGAN
ASSISTANT UNITED STATES ATTORNEY